

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/21/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

JOVAL PALMER,

Defendant.

1:20-cr-379-MKV

SCHEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

The status conference in this case has been rescheduled for October 26, 2020, at 9:00 AM and will be conducted remotely by videoconferencing on CourtCall. Members of the public and the press can use the following dial-in information:

- Phone: 855-268-7844
- Access code: 32091812
- PIN: 9921299

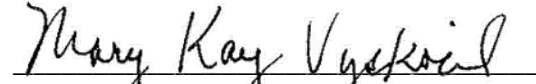
IT IS HEREBY ORDERED that the parties shall submit the attached Waiver of Right To Be Present at Criminal Proceeding and Consent to Proceed by Video or Tele Conference no later than October 23, 2020, at 5:00 PM.

At the Arraignment on August 7, 2020, the Court excluded time under the Speedy Trial Act from August 7, 2020, to October 20, 2020, the date originally scheduled for the status conference [ECF No. 26, at 31]. Upon learning that Defendant could not be produced to appear on October 20, 2020, the Court rescheduled the status conference for October 26, 2020. The Government submitted a letter dated October 16, 2020, requesting—with Defendant’s consent—that time under the Speedy Trial Act be excluded until October 26, 2020, to permit Defendant’s participation [ECF No. 32]. Accordingly, the Court hereby excludes all time under the Speedy Trial Act, *nunc pro tunc*, from October 20, 2020, to October 26, 2020. The Court finds that the ends of justice served

by excluding all time, *nunc pro tunc*, from October 20, 2020, to October 26, 2020, outweigh the interest of the public and Defendant in a speedy trial.

SO ORDERED.

**Date: October 21, 2020
New York, NY**



MARY KAY VYSKOČIL
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT
AT CRIMINAL PROCEEDING**

_____,
Defendant.

-CR- () ()

-----X

Check Proceeding that Applies

_____ Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: _____
Print Name

Signature of Defendant

_____ Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to

be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: _____
Print Name Signature of Defendant

____ Conference

I have been charged in an Indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this Indictment that are held by a Judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the Judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conference on October 26, 2020. By signing this document, I wish to advise the Court that I willingly give up my right to be present at the conference in my case on October 26, 2020, as access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the conference even though I will not be present.

Date: _____
Print Name Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: _____
Print Name Signature of Defense Counsel

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge
Date:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

-v-

**CONSENT TO PROCEED BY
VIDEOCONFERENCE**

-CR- () ()

,
Defendant(s).

-----X

Defendant _____ hereby voluntarily consents to participate in the following proceeding via videoconferencing:

___ Initial Appearance/Appointment of Counsel

___ Arraignment (If on Felony Information, Defendant Must Sign Separate Waiver of Indictment Form)

___ Preliminary Hearing on Felony Complaint

___ Bail/Revocation/Detention Hearing

___ Status and/or Scheduling Conference

___ Misdemeanor Plea/Trial/Sentence

Defendant's Signature
(Judge may obtain verbal consent on
Record and Sign for Defendant)

Defense Counsel's Signature

Print Defendant's Name

Print Defense Counsel's Name

This proceeding was conducted by reliable videoconferencing technology.

Date

U.S. District Judge/U.S. Magistrate Judge